

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JEFF RICHARDS,)	
)	CASE NO. 2:20-CV-05241
Plaintiff,)	
)	
v.)	
)	
WATCO SUPPLY CHAIN SERVICES,)	<u>NOTICE OF REMOVAL</u>
LLC,)	
)	
Defendant.)	

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Watco Supply Chain Services, LLC (“Defendant”), through the undersigned counsel, removes Case No. 20CV-09-5838,¹ which is pending in the Court of Common Pleas for Franklin County, Ohio. In support of this Notice of Removal, Defendant states as follows:

1. On September 2, 2020, Plaintiff Jeff Richards (“Plaintiff”) commenced an action against Defendant in the Court of Common Pleas for Franklin County, Ohio, titled *Jeff Richards v. Watco Supply Chain Services, LLC*, Case No. 20CV-09-5838, by filing a Complaint (the “State Action”).

2. On September 8, 2020, Defendant was served with a Summons and a copy of the Complaint.

3. Defendant is entitled to remove this action to this Court under 28 U.S.C. § 1441 because this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 as complete diversity exists between the parties and Plaintiff asserts claims that, if proven, exceed \$75,000, exclusive of interest and costs.

¹ The case number listed on the Summons is 20CV-09-5838; however, when accessing the case through the Franklin County Court of Common Pleas docket, the case number appears as 20CV005838.

4. According to the Complaint, Plaintiff is a resident of the State of Ohio. (Compl., ¶ 4.)

5. Defendant Watco Supply Chain Services, LLC is a limited liability company and, therefore, has the citizenship of each of its members. *See Delay v. Rosenthal Collins Group, LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009). Watco Supply Chain Services, LLC is organized under the laws of Delaware and maintains its principal place of business in Arkansas. It is wholly owned by Watco Companies, LLC, which is organized under the laws of Delaware and maintains its principal place of business in Kansas. Watco Companies, LLC is privately held and its members are citizens of the following states: Arkansas, California, Delaware, Georgia, Kansas, Louisiana, Texas, and Virginia.

6. Thus, as Plaintiff is a citizen of Ohio and Defendant is not a citizen of Ohio, complete diversity exists.

7. Because Plaintiff seeks to recover an unspecified amount of damages, Defendant only needs to show that it is more likely than not that the amount in controversy exceeds the jurisdictional minimum of \$75,000. *See Waldron & Associates, Inc. v. Loon, LLC*, N.D. Ohio No. 5:11CV 2247, 2012 U.S. Dist. LEXIS 63669, *10 (citing *Everett v. Verizon Wireless*, 460 F.3d 818, 822 (6th Cir. 2006)). When determining the amount in controversy in diversity cases, punitive damages must be considered unless it is apparent to a legal certainty that such cannot be recovered. *See Hayes v. Equitable Energy Resources Co.*, 266 F.3d 560, 573 (6th Cir. 2001). In the Complaint, Plaintiff indicates that he seeks “back pay, front pay, compensatory damages, and damages for garden variety emotional distress” as well as “punitive damages.” (Compl., ¶¶ 37-38.) Plaintiff’s annual salary at the time of his separation from employment was \$62,335, and it is likely that the trial of this matter will be scheduled for a date more than a year after his

separation from employment. Therefore, it is “more likely than not” that the amount in controversy exceeds \$75,000 and, thus, the amount in controversy requirement is satisfied.

8. Nothing in this Notice of Removal should be construed as an admission or acknowledgement of liability, a waiver of any defenses, or that Plaintiff is entitled to any damages.

9. True and accurate copies of all process, pleadings and orders served upon Defendant in the State Action are attached as Exhibit A, as required by 28 U.S.C. § 1446(a).

10. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is being filed within thirty (30) days of service of the Summons and Complaint upon Defendant.

11. Concurrent with the filing of this Notice of Removal, written notice of the filing of the Notice of Removal is being sent to counsel for Plaintiff, as required by 28 U.S.C. §1446(d).

12. A true and accurate copy of this Notice of Removal is also being filed with the Clerk of Court for the Court of Common Pleas for Franklin County, Ohio, as required by 28 U.S.C. § 1446(d).

Wherefore, Defendant respectfully requests that the action pending against it in the Court of Common Pleas for Franklin County, Ohio be removed therefrom to this Court.

Respectfully submitted,

/s/ Natalie M. Stevens

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*Attorneys for Defendant Watco Supply Chain
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CERTIFICATE OF SERVICE

I hereby certify that, on October 6, 2020, a copy of the foregoing *Notice of Removal* was filed electronically with the Clerk of Court using the CM/ECF system. A copy was also served via e-mail to the following counsel of record:

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/s/ Natalie M. Stevens
*One of the Attorneys for Defendant Watco Supply
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